

PART 5 – OVERLAY ZONE DISTRICTS

Chapter 1 – Pedestrian Overlay District

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Chapter 1 – Pedestrian Overlay District

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Section 5-101 Purpose.

The Tempe Pedestrian Overlay District (POD) encourages a mixture of residential, commercial, and employment opportunities. The POD allows for a more intense and efficient use of land at increased densities at major intersections and along light rail transit corridors for the mutual re-enforcement of public investments and private development. The POD is intended to create places that are attractive, safe, and enjoyable for pedestrians. The POD encourages activities that are compatible with pedestrian activity and it provides flexibility and incentives for those activities that support transit use. The city's high level of public investment in transit infrastructure (both bus and light rail) warrants the special land use and development standards contained in the POD. The district provides for a wide range of housing types, from single family to multi-family, to be combined with mixed-use employment centers and businesses, shopping and retail opportunities, schools, parks, civic uses, and other destinations to facilitate travel through alternative transportation modes, such as walking, bicycling and riding transit.

Section 5-102 Applicability.

A. Applicability. *(Revise to clarify where we have exceptions or dual standards).* This chapter applies to all land use and development activity within the boundaries of the Pedestrian Overlay District (POD). The regulations contained herein supplement and modify the provisions in each of the underlying zoning districts. The modifications to the underlying districts both increase and restrict allowable land uses and development activities, based on whether the specific activity is conducive to alternative transportation modes such as walking, bicycling, and transit.

B. Conformance. An application can meet the requirements of the Chapter by:

Option A: Conformance to the clear and objective standards of the Chapter. These standards represent generally the level of pedestrian orientation the City requires.

Option B. Submit a solution through the PAD process. The PAD application should provide a rationale for meeting the intent of this chapter while not meeting the standards of this chapter, such as natural features or major public facilities that preclude or diminish pedestrian connectivity.

B.

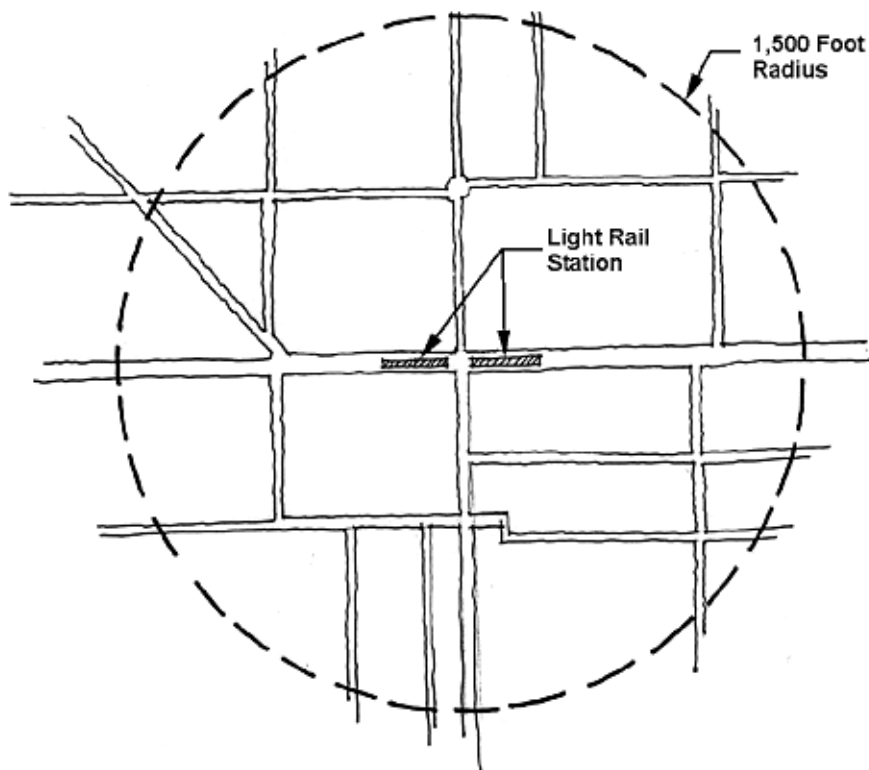
B.C. Conflict Between POD, Zone District, Overlays and Other Regulations. Where a conflict exists between a provision of the POD and any underlying zone district, any overlay district, or any other provision of the Land Use and Development Code, the Pedestrian Overlay District provision shall govern. See also, Section 5-104.

C.D. POD Sub-areas. The provisions of this chapter address ~~three~~two separate areas within the POD.

1. Areas within 1,500 feet of an existing or planned light rail transit station or multi-modal transit center ("station area");
2. ~~Areas within 1,500 feet of an arterial/arterial and arterial/collector intersection; and~~
3. ~~All Other other~~ areas within the district. ~~outside of those areas described above.~~

D.E. Measuring Distances for POD Sub-areas. Station Areas are measured as a radius beginning at the center of the closest crosswalk (street centerline) providing access to a light rail station. Where a light rail station contains two platforms, as shown in Figure 2, the distance is measured as a radius beginning at the center of the closest street intersection. ~~Arterial/Arterial and Arterial/Collector POD sub areas are measured as a radius beginning at the center of the intersection.~~

Figure 5-102A: Light Rail Station Area



Section 5-103 Uses Permitted in Residential Districts.

- A. Single Family Residential Districts.** The Pedestrian Overlay District does not modify the permitted use provisions contained in any underlying Single Family Residential district.

- B. Multifamily Residential Districts.** All use provisions of the underlying multi-family districts shall apply. Additionally, when a property contains a single family residence, is zoned Multifamily Residential (R-2, R-3, R-3R, R-4, or R-5), and is located within the Pedestrian Overlay District, an accessory dwelling is permitted on the same lot without a use permit. Accessory dwellings shall be exempt from density and lot size provisions, provided that they conform to the following standards:
1. Comply with applicable structural specialty codes;
 2. A maximum of one accessory dwelling unit is allowed per ~~single~~multi family dwelling lot;
 3. The maximum floor area of the accessory dwelling shall not exceed 600 square feet. Dwellings in excess of 600 square feet are considered duplexes, if attached to the primary dwelling, or second dwellings if not attached;
 4. ~~One off street parking space shall be provided for the accessory dwelling;~~
 5. Comply with the setback, building height, lot coverage, and other applicable development standards;
 6. Sewer, water and utility services shall be provided to the dwelling in conformance with City standards.

Section 5-104 Uses Permitted in Commercial and Industrial Districts

The Pedestrian Overlay District modifies the permitted use provisions of the R/O, CC, CSS, PCC-1, PCC-2, RCC, IBD, I1, I2, and I3 (We no longer have IBD, I1, I2, I3, They are now OBD, LID, HID) districts as follows:

- A. Residential Uses.** Residential uses are additionally allowed in the CSS, ~~PCC-1, and PCC-2~~ districts with a Use Permit; and
- B. Other Uses.** (Clarify/ Reword this sentence.) All uses permitted in the underlying districts are also permitted in the Pedestrian Overlay District, except as modified by Section 5-107, Uses Prohibited in Light Rail Station Areas.

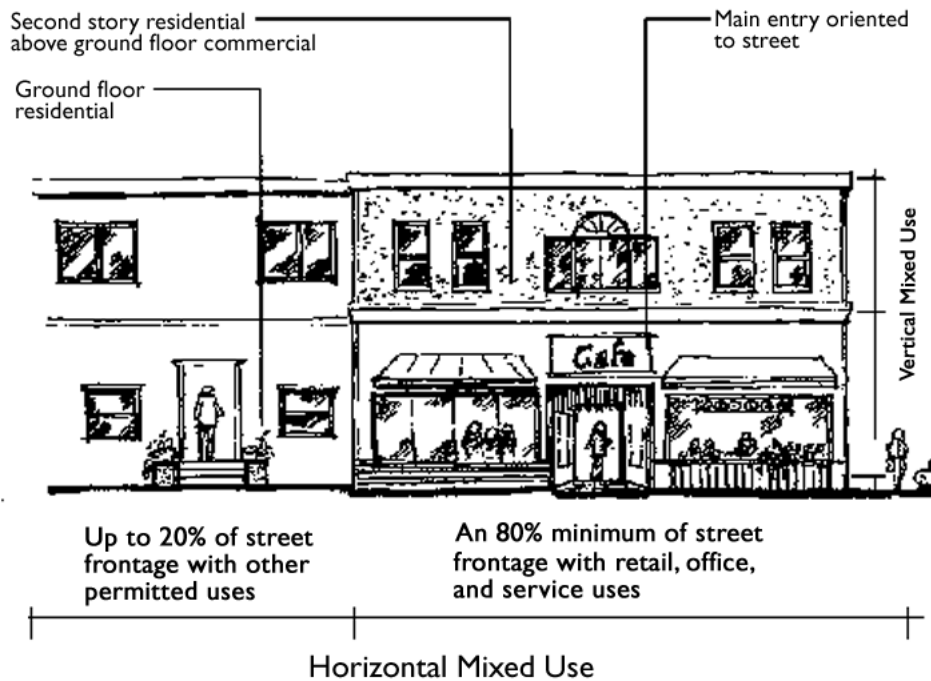
Section 5-105 Uses Permitted in Mixed-Use Districts.

The Pedestrian Overlay District does not modify the permitted use provisions of the MU-1, MU-2, MU-3, and MU-4 districts.

Section 5-106 Street-Level Uses Required in Light Rail Station Areas.

- A. Street-Level Uses in Light Rail Station Areas.** Within light rail station areas, one or more of the uses listed in Subsections 1 ~~through~~ 9 ~~below~~ shall occupy at least eighty (80) percent of the street-level building space for land zoned commercial or mixed-use. These uses shall be subject to the use requirements of the underlying district. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances, as shown in Figure 5-106A. Define street level
1. Retail sales and service uses;
 2. Restaurants;
 3. Bars;
 4. Customer service offices (any size office that has customer point of service);
 5. Office without point of service, and containing at least 30,000 square feet of floor area;
 6. Entertainment, except Adult Oriented Business;
 7. Hotels and Motels;
 8. Clinics; and/or
 9. Uses that are similar to those listed in 1-8.

Figure 5-106A: Example of Street-Level Uses



- B. Pedestrian Overlay Street Setback.** Required street-level uses shall conform to the maximum setbacks for the district (Sec. 5-109) and shall have a finished floor that is no ~~less~~ more than five (5) feet above or below sidewalk grade.
- C. Schools.** Street-level use requirements shall not apply to public school development along streets.

Section 5-107 Uses Prohibited in Light Rail Station Areas.

- A. Prohibited Uses in Light Rail Station Areas.** The following uses are prohibited within 1,500 feet of a planned or existing light rail station ("station area").
1. Sales, rental, repair or service of motorized vehicles, except as provided for in Subsection C below;
 2. Towing services except as provided in conjunction with a principal use parking facility as provided for in Subsection B;
 3. Heavy commercial services (define or delete);
 4. Drive-through facilities;
 5. Sales, service, or rental of commercial equipment or construction materials;

6. Mini-warehouse;
7. Warehouse or other indoor storage;
8. Outdoor storage;
9. Principal use parking, except as provided for in Subsection B below;
10. Car wash, except as provided for in Subsection C below;
11. General manufacturing;
12. Salvage and recycling;
13. Wholesale showroom;
14. Adult oriented business;
15. Manufactured home sales;
16. Telecommunication hotels;
17. Recreational vehicle parks; and/or
18. Mobile home parks.

B. Principal Use Parking in Station Areas. Principal use parking is prohibited within light rail station areas, except that parking facilities owned by the City or an operating transit agency, or private parking facilities operating as park and ride facilities in partnership with the City or an operating transit agency, are permitted.

C. Motorist Amenity Uses in Station Areas. Motorist amenity uses (car wash, automobile detailing, vehicle maintenance or repair) are permitted within light rail station areas when the use is accessory to a principal use parking facility that is allowed by Subsection B, above.

Section 5-108 Development Standards for Residential Districts.

A. Single Family Residential Districts. When a project is located in a Single Family Residential district the development standards of the Single Family district shall apply. The Pedestrian Overlay District does not modify the development standards of any Single Family district.

B. Multifamily Residential Districts at

Light Rail Station Areas. Except for when a project is located in a station area, when a project is located in a Multifamily Residential district the

~~development standards of the Multifamily district shall apply.~~ The Pedestrian Overlay District does not modify the development standards of any Multifamily district except in station areas, as indicated in Table 5-108B, below.

Table 5-108B - POD Development Standards in Multifamily Districts - Station Areas ⁴		R-2 (same as base zone POD)	R-3R (POD)	R-3 (POD)	R-4 (POD)	R-5 (POD)
Maximum Density (dwellings/acre)		40 max	10-15	15-20	20-30	30-40
Maximum Density (dwellings/acre) in Station Areas		12	19	25	31	37
Minimum Site Area/Dwelling Unit* <u>needs to be recalculated based on new density</u>		3,600 sf	2,900 sf	2,180 sf	1,450 sf	1,090 sf
Minimum Site Area/Dwelling Unit in Station Areas						
Building Height	Building Height Maximum	30 ft	30 ft	35-30 ft	40 ft	45-50 ft
	<u>Building Height Maximum in Station Areas</u>	35	35	40	50	60
	Building height step-down required adjacent to R1 district, except as may be modified with a use permit [Section 4-303, Building Design]	NoYes	NoYes	Yes	Yes	Yes
	<u>Unlimited height with use permit</u>	Yes	Yes	Yes	Yes	Yes
Maximum Site Building Lot Coverage (% of lot area)		450%	450%	50%	5560%	70%
Min. Landscape Area (% of lot area)		30%	30%	25%	25%	2025%
<u>Min. Required Outdoor Living Area (square feet per dwelling unit)</u> [See Section 4-502, Outdoor Living Area]		48 sf	48 sf	48 sf	42 sf	36 sf
Pedestrian Design Standards Apply [See Section 5-111, POD Design]		Yes	Yes	Yes	Yes	Yes
Setbacks [See Setback Exceptions, Sec. 4-204]	Front – Minimum - <u>Open Structures (e.g. porch, balcony, patio wall</u> - building wall - garage entry	5 ft 10 ft 20 ft	5 ft 10 ft 20 ft	5 ft 10 ft 20 ft	5 ft 10 ft 20 ft	5 ft 10 ft 20 ft
	Front – Maximum [See Section 5-111B]	20 ft	20 ft	20 ft	20 ft	10 ft
	Side – Minimum - porch, balcony, patio wall - building walls - common walls	5 ft 10 ft 0 ft	5 ft 10 ft 0 ft	5 ft 5 ft 0 ft	5 ft 5 ft 0 ft	5 ft 5 ft 0 ft

¹ Standards may be modified through a Planned Area Development, Section 6-305 et. seq.

Street Side – Minimum. - <u>building</u> (subject to clear vision requirement on streets) - <u>porches</u>	10 ft <u>5 ft</u>	10 ft <u>5 ft</u>	10 ft <u>5 ft</u>	10 ft <u>5 ft</u>	10 ft <u>5 ft</u>
Rear – Minimum - building wall, porch, balcony, or patio wall - common walls	15 ft 0 ft	15 ft 0 ft	10 ft 0 ft	10 ft 0 ft	10 ft 0 ft

Clarify- Need chart showing setbacks in POD outside of light rail station areas?

Section 5-109 Development Standards for Commercial, Mixed-Use, and Industrial Districts.

- A. Commercial Districts.** All projects that are located in the Pedestrian Overlay District and also fall within the CSS, PCC-1, or PCC-2 district shall conform to the development standards in Table 5-109A, below. Projects located within the CC, R/O, and RCC districts shall conform to the base district development standards in Section 4-20~~3~~². ~~The Pedestrian Overlay District does not modify the development standards in the CC, R/O, or RCC district.~~
- B. Mixed-Use Districts.** All projects located in the Pedestrian Overlay District and the MU-1, MU-2, MU-3, or MU-4 district shall conform to the development standards in Table 109B, below.
- C. Industrial Districts.** When a project falls within an Industrial district the development standards of the Industrial district shall apply. The Pedestrian Overlay District does not modify the standards of the underlying district.

Table 5-109A - POD Development Standards in Commercial Districts ²		CCSCS S (POD)	PCC-1 (POD)	PCC-2 (POD)
Maximum Residential Density (dwellings/acre) – Use Permit required for residential uses		30 20	30 25	30
Maximum Residential Density (dwellings/acre) in station areas – Use Permit required for residential uses		25	30	35
Minimum Site Area/Dwelling Unit (sq ft) <u>(Revise to reflect new density)</u>		1,450 sf	1,450 sf	1,450 sf
Minimum Site Area/Dwelling Unit (sq ft) in station areas <u>(Revise to reflect new density)</u>				
Building Height Maximum (feet)				
<ul style="list-style-type: none"> - Station Areas & Intersection Areas <u>without residential</u> - <u>Other POD Areas</u> 		40-35 ft 35 ft	40 ft 35 ft	40 5 ft 35 ft
Automatic height increase of 30% for residential bldg story		Yes 45	Yes 55	Yes 60
Station Areas & Intersections Areas with residential building story(s) above commercial				
Unlimited height increase allowed with Use Permit.		Yes	Yes	Yes
Building height step-down required adjacent to R1 districts. [See Section 4-303, Building Design]		Yes	Yes	Yes
Max. Site Building Lot Coverage (% of lot area)		65%	65%	65%
Minimum Landscape Area (% of lot area)		15%	15%	15%
Min. Required Outdoor Living Area in Mixed-Use Project (sq ft per dwelling unit) [See Section 4-502, Outdoor Living Area]		36 sf	36 sf	36 sf
Street Level Use Standards Apply in Station Areas [Section 5-108]		Yes	Yes	Yes
Pedestrian Design Standards Apply [See Section 5-111]		Yes	Yes	Yes
Setbacks [See Setback Exceptions, 4-204]	Front – Minimum			
	porch, balcony, patio wall	5 ft	5 ft	5 ft
	- building wall	0 ft	0 ft	0 ft
	- garage entry <u>move garage entry to guidelines</u>	18 ft	18 ft	18 ft
	Front – Maximum [See Section 5-111B]	10 ft	10 ft	10 ft
	Side – Minimum			
	- porch, balcony, patio wall	0 ft	0 ft	0 ft
	- building wall	0 ft	20 ft	20 ft
	- common walls	0 ft	0 ft	0 ft
	Street Side – Minimum, subject to vision requirement on streets	0 ft	0 ft	0 ft
	Rear – Minimum			
	- building wall, porch, balcony, patio wall	10 ft	10-20 ft	10-20 ft
	- common walls	0 ft	0 ft	0 ft

² Standards may be modified through a Planned Area Development, Section 6-305 et. seq.

Table 5-109B - POD Development Standards in Mixed-Use Districts ³		MU-1 (POD)	MU-2 (POD)	MU-3 (POD)	MU-4 (POD)
Minimum and/or Maximum Res. Density (dwellings/acre)					
- Station Areas		15-20	20-30	30-40	NS
- Other POD Areas		10	20	30	NS
- Arterial/Arterial and Arterial/Collector Intersection Areas		15-15 max	25 max	35 max	NS
- Other POD Areas		10 max	20 max	30 max	NS
- Station Areas		20	30	40	NS
Minimum Site Area/Dwelling Unit (square feet) <u>recalculate</u>					
- Station Areas <u>(Add numbers for station areas)</u>		NS	NS	NS	NS
- Arterial/Arterial & Arterial/Collector Intersection Areas		2,900 sf	1,740 sf	1,240 sf	NS
- Other POD Areas		4,350 sf	2,180 sf	1,450 sf	NS
Building Height Maximum (feet)					
- Station Areas		40 ft	50 ft	60 ft	NS
- Other POD Areas		35	40	50	NS
- Arterial/Arterial & Arterial/Collector Intersection Areas		35-40 ft	45 ft	55 ft	NS
- Other POD Areas		30 ft	40 ft	50 ft	NS
- Station Areas		45	50	60	NS
- Automatic height increase of 30% for residential bldg story		Yes	Yes	Yes	Yes
- Unlimited height increase with Use Permit.		Yes	Yes	Yes	Yes
- Building height step-down required adjacent to R1 districts.		Yes	Yes	Yes	Yes
[See Section 4-303, Building Design]					
Maximum Site Building <u>Lot</u> Coverage (% of lot area)		65%	75%	85%	NS
Minimum Landscape Area (% of lot area)		25 <u>20</u> %	20 <u>15</u> %	15 <u>10</u> %	15 <u>10</u> %
Min. Required Outdoor Living Area in Mixed-Use Project (sq ft per dwelling unit) [See Section 4-502, Outdoor Living Area]		48 sf	42 sf	36 sf	36 sf
Street Level Use Standards Apply in Station Areas [See Section 5-106]		Yes	Yes	Yes	Yes
Pedestrian Design Standards Apply [See Section 5-111]		Yes	Yes	Yes	Yes
Setbacks [See Setback Exceptions, Section 4-204]	Front – Minimum				
	- porch, balcony, patio wall	5 ft	5 ft	5 ft	5 ft
	- building wall	0 ft	0 ft	0 ft	0 ft
	- garage entry	18 ft	18 ft	18 ft	18 ft
	Front – Maximum [See Section 5-111B]	20-10 ft	10 ft	10 ft	10 ft
	Side – Minimum				
	- building wall, porch, balcony	5 ft	5 ft	5 ft	5 ft
	- common walls	0 ft	0 ft	0 ft	0 ft
	Street Side – Minimum, subject to clear vision requirement on streets	0 ft	0 ft	0 ft	0 ft
	Rear – Minimum				
	- building wall, porch or balcony	10 ft	10 ft	10 ft	10 ft
	- common wall	0 ft	0 ft	0 ft	0 ft

³ Standards may be modified through a Planned Area Development, Section 6-305 et. seq.

NS= No Standard.

Section 5-110 — Development and Design Standards for Rio Salado Overlay, and I-1/I-2/CSS Overlay Districts.

~~Development in the Rio Salado overlay and development in the I-1/I-2/CSS overlay shall conform to the POD land use, development, and design standards contained in Sections 5-108 through 5-111. The POD standards contained in Sections 5-108 through 5-111 supercede the standards of the Rio Salado overlay and the I-1/I-2/CSS overlay.~~

Section 5-111 Pedestrian Oriented Design.

A. Applicability. The provisions of this section shall be applied to all developments in the Pedestrian Overlay District except ~~that~~ for single family dwellings ~~need not comply if they are not part of a common wall development~~ not part of a PAD. (Where an existing building that is being added onto or remodeled does not meet a standard of this Section, the addition or remodel shall bring the building into closer conformance with the standard to the extent practicable given the nature and extent of the alteration. - move last sentence to guidelines)

B. Maximum Setback. The maximum building setbacks of the Pedestrian Overlay District (Tables 5-108B, 5-109A, and 5-109B) are applied to buildings, as follows:

1. At least fifty (50) percent of the length of the ground level street-facing façade of the building must be within at or within the maximum setback line to meet this standard. No structure may be within the minimum setback, except as specified under minimum setbacks. When a building fronts onto more than one street, this standard can be met by building within the maximum setback along one street, provided that a primary building entrance is located not more than 100 feet from two streets. Clarify with Scot and Mandy.
2. ~~This standard does not apply when~~ When a pedestrian plaza is located between the subject building and the street, ~~the~~ -p ~~Pedestrian plazas should~~ shall conform to the Pedestrian and Bicycle Facility Guidelines in Appendix B-2.
3. ~~Where an existing building that meets the standard of this paragraph is being altered, the standard applies to the ground level, street facing façade of the entire building.~~

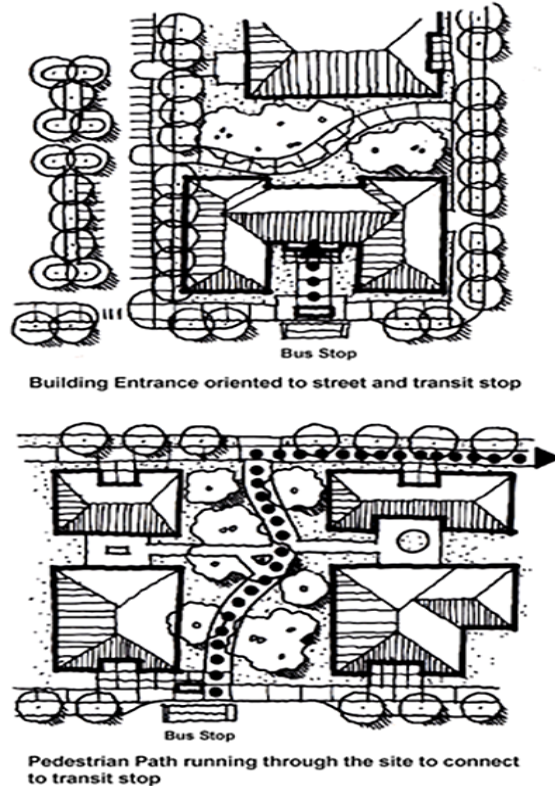
C. Building Entrances. Buildings shall provide entrances that conform to the following standards:

1. New commercial, civic, and mixed-use buildings shall provide a primary building entrance that either faces an adjacent street or is placed at an angle of up to 45 degrees from an adjacent street, measured from the

street property line. New commercial, civic, and mixed-use buildings adjacent to a bus transit stop or adjacent to planned or existing light rail station shall orient a primary building entrance to face the stop or station. This standard does not apply to public schools.

2. Primary building entrances are entrances that remain unlocked during regular business hours, allow pedestrians to both enter and exit the building, are visible from the street sidewalk, and are located not more than twenty (20) feet from the street sidewalk. Building entrances must be connected to the sidewalk with a pathway that meets the standards in Section 4-603, Pedestrian and Bicycle Access and Circulation Standards.
3. When located at the intersection of two streets, the building shall provide one of the following:
 - a. provide two primary entrances, one facing each street;
 - b. orient one primary entrance to both streets by placing the entrance at the street corner; or
 - c. place one entrance so that it is not more than twenty (20) feet from both streets.
4. Residential building shall conform to the standards in 1-3, above, or have an alternative means of access to transit (e.g., via a pathway) that is direct and convenient. Residential buildings may open onto a porch or patio with privacy wall no greater than four (4) feet high that is located between the building and street. See Figure 5-111C, below.

Figure 5-111C: Building Entrances and Access to Transit



D. Ground Floor Windows. Buildings along street frontages shall provide ground floor windows that conform to the following standards:

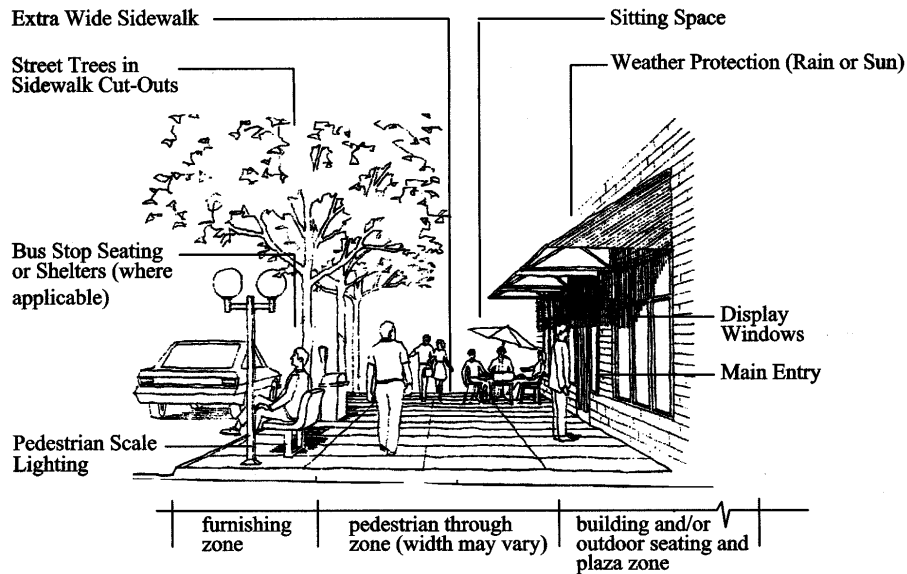
1. Ground floor windows shall be provided at least fifty (50) percent the length and twenty-five (25) percent the ground level wall area of all buildings facades that face a street or plaza. Ground floor window requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the finished grade or public sidewalk, whichever is higher. This requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least five (5) feet and screened with landscape materials in conformance with Section 4-505, Parking Facility Landscape Standards.
2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

E. Street-Facing Facades. At least fifteen (15) percent of the area of each façade that faces a street lot line on all building stories must be windows or main entrance doors. Windows used to meet this standard must allow views from the

building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.

F. Pedestrian and Transit Patron Amenities.

1. The land between a building or exterior improvement and a street must be landscaped and/or hard-surfaced for use by pedestrians. If hard-surfaced, the area should meet City standards for pedestrian plazas (Appendix B-2, Pedestrian Facility Design Guidelines) contain pedestrian amenities such as benches, drinking fountains, and/or other design elements (e.g., public art, planters, and kiosks); and be physically separated from parking areas by a landscape buffer that meets the standards in Section 4-505, Parking Facility Landscape Standards.
2. New buildings placed adjacent to bus transit stops or planned or existing light rail stations shall provide a pedestrian and transit patron area with at least one (1) square foot of land for every one hundred (100) square feet of building footprint area developed. The following pedestrian and transit patron amenities shall be installed within the pedestrian and transit patron area and conform to the Pedestrian Facility Design Guidelines in Appendix B-2.
 - a. shade trees or shade bearing structures (e.g. awnings, canopies, arbors, pergolas, porticos, or similar feature); and
 - b. street furnishings (e.g., benches or other seating, may include public art).
3. The placement of shade bearing elements and seating shall maximize shading for summer morning and afternoon hours.
4. Any shade structure that is also proposed to serve as a bus waiting area shall conform to the City standards for bus waiting shelters. All landscaping provided shall be located to not obstruct the transit shelter canopy or visibility of a bus stop.
5. Covered front porches, canopies, awnings, porticos, arcades, and similar shade bearing features used to meet this standard are exempt from the building site coverage standards.
6. Improvement Deferment System. Upon development or redevelopment as provided in Subsection B, a property owner may contribute the appropriate amount of funding for pedestrian amenities to a City Capital Improvement fund designated for future City construction of the remainder of the street project. The total cost of improvements required by the fund is to be determined by the Public Works Department.
7. For guidelines related to pedestrian, bicycle, and transit oriented design, refer to the Transportation Design Toolbox in the Appendix.

Figure 5-111F: The Complete Pedestrian Environment

- G. Minimum Parking Ratios.** The minimum number of required parking spaces, as provided in Section 4-403, is reduced for commercial uses that contain more than 10,000 square feet of floor area and meet the criteria in Table 5-111G below. The other methods of parking reduction (shared parking, parking demand model) provided in Section 4-405 are also available for use in the Pedestrian Overlay District.

Table 5-111G - POD Reductions to Minimum Parking	Developments Within Station Area or Intersection Area	Developments in All Other Pedestrian Overlay District Areas
Retail sales and service uses, except eating and drinking establishments; customer service offices; and entertainment uses, excluding theaters.	Parking waived for 50 percent of floor area not to exceed 30,000 square feet of floor area.	Parking waived for 25 percent of floor area not to exceed 10,000 square feet of floor area
Theaters	Parking waived for first 150 seats	Parking waived for first 50 seats
Eating and Drinking Establishments	Parking waived for 50 percent of floor area not to exceed 2,500 square feet of floor area	Parking waived for 25 percent of floor area, not to exceed 1,250 square feet of floor area
Multiple Family Use	0.75 parking spaces per bedroom (round up to whole number)	0.75 parking spaces per bedroom (round up to whole number)

- H. Maximum Parking Ratios.** Uses in the POD shall conform to the maximum parking ratios in Section 4-403, except that the parking maximums shall not be reduced by the reductions in Subsection G, above.
- I. Bicycle Parking.** The number of bicycle parking spaces provided for any particular use shall be as provided for each use in Section 4-403, Parking Ratios, and multiplied by three (3).

Parking during interim needs to be discussed and addressed

Standards in 5-111 needs to be addressed, needs intent.

Needs to be clear re: Boundaries – POD occurs where overlays overlap each other.

Need clear and objective standards, but still have flexibility.

Chapter 2 – Rio Salado Overlay District

Section 5-201	Purpose.
Section 5-202	General Regulations.
Section 5-203	Prohibited Uses.
Section 5-204	Yard, Height, Area and Density Requirements.
Section 5-205	Additional Information and Regulations.
Section 5-206	Boundaries.

Section 5-201 Purpose.

The purpose of the Rio Salado overlay district is to accomplish the objectives of the specific plan referred to as the "Tempe Rio Salado Plan" as adopted by the city council. This district is necessary to provide an opportunity for a smooth transition from the character of the Rio Salado Project to those uses greatly different in character which are located on lands adjacent to the project area.

Section 5-202 General Regulations.

- A. ~~Land Use.~~ All uses shall comply with the regulations of the underlying zoning. Where the regulations for this district differ from those of the underlying zoning the more restrictive provisions shall apply.
- B. ~~Design Review.~~ The city's design review in Section 6-302 of this Code shall apply to all property within the Rio Salado overlay district.
- C. **Rio Salado Commission.** Except where superceded by the RRC, ~~T~~the Rio Salado Advisory commission shall be notified of all requests for zoning changes; use changes or variances and proposals for construction or major alteration of buildings or site work; and be given the opportunity for comment and recommendation prior to formal city action, and shall respond within ten (10) working days of receipt by the city. If the Tempe Rio Salado advisory commission does not respond within the prescribed time period, the lack of a response shall not be considered as supporting or opposing the project, but only as declining the opportunity to comment. The Rio Salado Advisory commission may delegate to its standing committee, the project review committee, all or part of these responsibilities for comment or recommendation.
- D. ~~Site Plans.~~ Site plans of any underlying zoning in the Rio Salado overlay district may be submitted by the owner for site plan approval in accordance

~~with the procedures outlined in Section 1-505 of this Code on site plans. Variances and use permits may be applied for in conjunction with the site plans.~~

E. Review Procedure and Criteria. Development proposals will be evaluated by the Tempe Rio Salado advisory commission, board of adjustment, planning and zoning commission, or city council in accordance with the overall intent of the following Tempe Rio Salado Plan objectives. ~~with major emphasis on but not limited to:~~

- ~~1. Encourage the optimum development of land along the Salt River including: residential, commercial or industrial, open space, transportation and circulation, public facilities and services and adjoining land uses;~~
- ~~2. Promote the development of recreational facilities; and~~
- ~~3. Combine flood control with environmental design including the integration of lakes, ponds and streams.~~
- ~~4.1. In the granting of use permits, the hearing officer, board of adjustment and city council must find that the proposed use is compatible with the overall intent of the Tempe Rio Salado Plan.~~

Section 5-203 Prohibited Uses.

A. Prohibited Uses. All uses permitted in the underlying district, including uses permitted subject to use permits are similarly permitted in the Rio Salado overlay district except the following prohibited uses:

- ~~1. Billboards;~~
- ~~2. Abattoirs, stockyards and rendering plants;~~
- ~~3. Junkyards, wrecking yards and salvage yards; and~~
- ~~4.1. Adult-oriented businesses.~~

Section 5-204 Yard, Height, Area and Density Requirements.

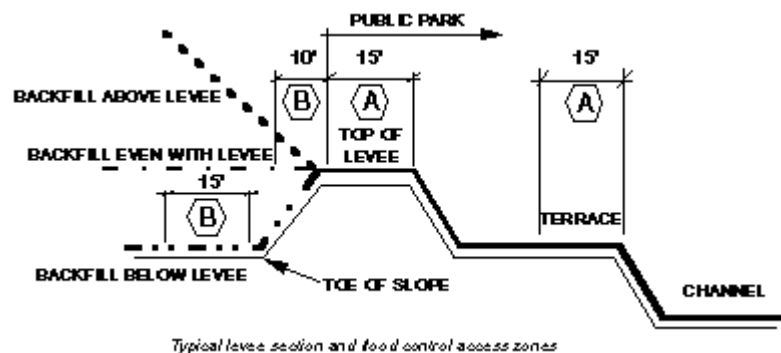
~~All development must conform to the requirements of the underlying zoning.~~

Section 5-205 Additional Information and Regulations.

The following additional requirements apply:

A. Landscaping. ~~Landscaping shall be provided as follows:~~

- ~~1. The required landscaping shall be a minimum of twenty (20) percent of the net site area for residential and service districts, and twenty (20) percent of the total ground floor area of buildings located on the property or ten (10) percent of the net site area of the property, whichever is greater, in all industrial districts;~~
- ~~2. Ungrassed areas shall have a minimum of thirty (30) percent vegetative ground cover;~~
- ~~3. All outdoor storage areas for materials, trash, mechanical equipment, vehicles or other similar items shall be screened from view by a masonry wall, a minimum of six (6) feet high, but not to exceed ten (10) feet in height, constructed of or finished with materials to match the main building of the site. This wall shall screen such items so they are not visible to a person six (6) feet tall standing on any part of the adjacent property, public street, park, sidewalk, bikeway or equestrian trail at an elevation equal to the highest finish grade of the storage area. Vehicles including construction equipment are considered screened by a ten (10) foot wall if no part of the vehicle exceeds thirteen (13) feet six (6) inches in height;~~
- ~~4.1. The maximum grading of required retention areas shall not exceed a slope of four (4) to one in industrial areas and five (5) to one areas used for residential and recreational purposes;~~
- ~~5.2. The first ten (10) feet of on-site street frontage landscaping shall not be used for retention purposes; and~~



Relocate graphic under B – Flood Control

B. Flood Control. Flood control access zones in the district are:

1. Zone "A": No objects or structures of any kind that would impede the motion of a maintenance vehicle are permitted in the fifteen (15) feet closest to the channel on either the levee or terrace as shown above;
2. Zone "B": Only landscaping and removable benches, ramadas or similar equipment that are approved by both the Flood Control District of

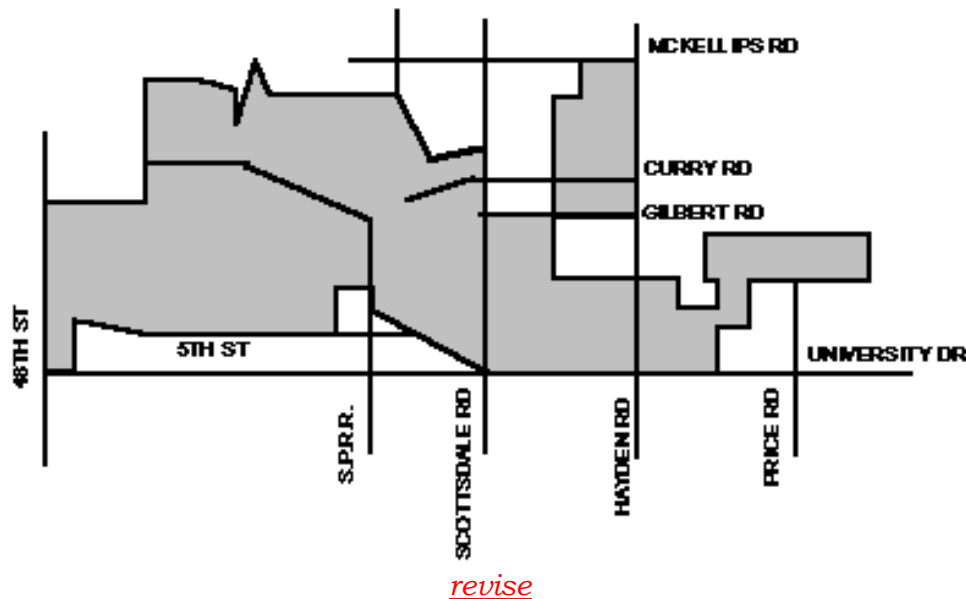
Maricopa County and the city are permitted either in the ten (10) feet adjacent to the levee when the backfill is even with the top of the levee or the fifteen (15) feet adjacent to the base of the levee when the backfill is below the top of the levee as shown above. Replacement of any structural or landscape features within Zone "B" that are damaged as a result of emergency maintenance activities by the Flood Control District of Maricopa County shall be the sole responsibility of the owner or lessee of the site on which the features are located; and

3. When the backfill is above the top of levee, Zone "A" restrictions apply, but there are no Zone "B" restrictions on objects or structures with regard to maintenance vehicle access.

City code reference—See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention.

Section 5-206 Boundaries.

The location and boundaries of the Rio Salado overlay district are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.



Chapter 3 – Southwest Tempe Overlay District

Section 5-301	Purpose.
Section 5-302	General Regulations.
Section 5-303	Automotive Dealerships.
Section 5-304	Prohibited Uses.
Section 5-305	Special Regulations, Building Design.
Section 5-306	Improvements to be Provided by the Developer Within the Arterial Street Right-of-Way.
Section 5-307	Special Details and Capital Improvements to be Provided by the City at City Expense.
Section 5-308	Improvements to be Perpetually Maintained by the Developer Within the Arterial Street Right-of-Way.
Section 5-309	Yard, Height, Area and Density Requirements.
Section 5-310	Additional Information and Regulations.
Section 5-311	Boundaries.

Section 5-301 Purpose.

The purpose of the Southwest Tempe overlay district is to accomplish the objectives of the General Plan. ~~referred to as the "Southwest Tempe General Plan" as adopted by the city council.~~ This district is necessary to provide an opportunity for intense development with ~~very~~ high standards, ~~using repetitive unique unifying elements.~~

Section 5-302 General Regulations.

- A. Land Use.** All uses shall comply with the minimum regulations of the underlying zoning. All uses permitted in the underlying district, including uses permitted subject to use permits, are similarly permitted in the Southwest Tempe overlay district, except as provided herein. Where the regulations for the

overlay district differ from those of the underlying zoning the more restrictive regulations shall apply. In the granting of use permits the hearing ~~officer, board of adjustment and city council~~body must find that the proposed use is compatible with the overall intent of the Tempe General Plan ~~2020~~.

~~B. Design Review.~~ The city's design review in Section 6-302 of this Code shall apply to all property within the overlay district.

~~C. Site Plan.~~ Any sites of any underlying zoning in the Southwest Tempe overlay district shall be submitted by the owner for site plan approval in accordance with the procedure outlined in Section 1-505 of this Code on site plans. Variances and use permits may be applied for in conjunction with the site plans.

~~D.B.~~ **Review Procedure and Criteria.** Development proposals shall be evaluated by the ~~board of adjustment, planning and zoning commission or city council~~hearing body in accordance with the overall intent of the following Southwest Tempe ~~General Plan~~Overlay District objectives with ~~major~~ emphasis on but not limited to:

1. Encouraging the optimum development of land along the I-10 freeway and in the southwest portion of the city, thus promoting the development of a regional ~~shipping~~shopping center, major auto mall and other major retail uses. Such activities should be located in a master planned development adjacent to the I-10 freeway;
2. Vehicular access to any individual automotive dealership should be from non-arterial streets;
3. The overall site design of any individual automotive dealership, its buildings, parking areas, access points and signage should not adversely affect the present or potential development of nearby sites (either residential or commercial) or the traffic pattern on nearby streets;
4. Sites for individual dealership should be of sufficient size to provide for adequate visitor and employee parking, external display of vehicles for sale and appropriate buffering of repair operations;
5. Spot or strip zoning patterns or uses should be discouraged;
6. Used vehicles should be sold only in conjunction with new car sales; and
7. Stabilizing the economic base of the city.

~~Section 5-303~~ **Automotive Dealerships**

~~A. Automotive Dealerships.~~ Automotive dealerships shall be developed in accordance with the following regulations:

~~1. Activity shall be located in a master planned development located adjacent to the I-10 freeway; and~~

~~2. A master planned development for automotive sales shall include the following:~~

~~a. Multiple dealerships sharing entrance features and common access;~~

~~b. Unifying landscaping, street trees and other common elements; and~~

~~c. a. Provisions for areas to test drive vehicles away from unrelated city traffic and local residential streets.~~

Section 5-304 Prohibited Uses.

A. Prohibited Uses. The following are prohibited uses:

~~1. Billboards;~~

~~2. 1. Abattoirs, stockyards and rendering plants;~~

~~3. 2. Junkyards, wrecking yards and salvage yards; and~~

~~4. 3. Sand and gravel excavating operations.~~

Section 5-305 Special Regulations, Building Design.

~~A. Architect's Design.~~ All main buildings or primary structures shall be designed by an architect registered in the State of Arizona. ~~This shall include preliminary, conceptual as well as final plans.~~

A.

B. Plan Submittal. The applicant shall provide the city with sufficient architectural, landscaping and site details at the time of original submittal for the city to judge the quality of the project.

~~C. Industrial Building Setbacks.~~ All industrial buildings shall conform to the I-1 industrial zoning district requirements except setbacks and height.

Section 5-306 Improvements to be Provided by the Developer Within the Arterial Street Right-of-Way.

~~A. Arterial Street Improvements.~~ The improvements to be provided by the developer within the arterial street right-of-way are as follows:

~~1. All normal improvements required by the City of Tempe Public Works Department; and~~

- ~~2. Unique sidewalk or bike path treatment, street lights, street signs, street furniture, landscaping, crosswalk intersection details as specified on plans on file in the public works department. The theme for the area is modern.~~

~~**Section 5-307 Special Details and Capital Improvements to be Provided by the City at City Expense.**~~

~~**A.Improvements Provided by City.** The special details and capital improvements to be provided by the city at the city's expense are as follows:~~

- ~~1. Boulevards as designated by the city council;~~
- ~~2. Area gateways;~~
- ~~3. Unique traffic control signs; and~~
- ~~3.Pavement markings or designs.~~

~~**Section 5-308 Improvements to be Perpetually Maintained by the Developer Within the Arterial Street Right-of-Way.**~~

~~**A.Streetscape Maintenance.** The improvements to be perpetually maintained by the developer within the arterial street right of way are as follows:~~

- ~~1. Unique sidewalk or bikepath;~~
- ~~2. Street furniture; and~~
- ~~3. Landscaping.~~

Section 5-309 Yard, Height, Area and Density Requirements.

All development must conform to the requirements of the underlying zoning except a twenty-five (25) foot increase in the maximum allowable building height shall apply in all zoning districts west of Kyrene Road.

~~**Section 5-310 Additional Information and Regulations.**~~

~~**A.Landscaping.** The following additional requirements apply:~~

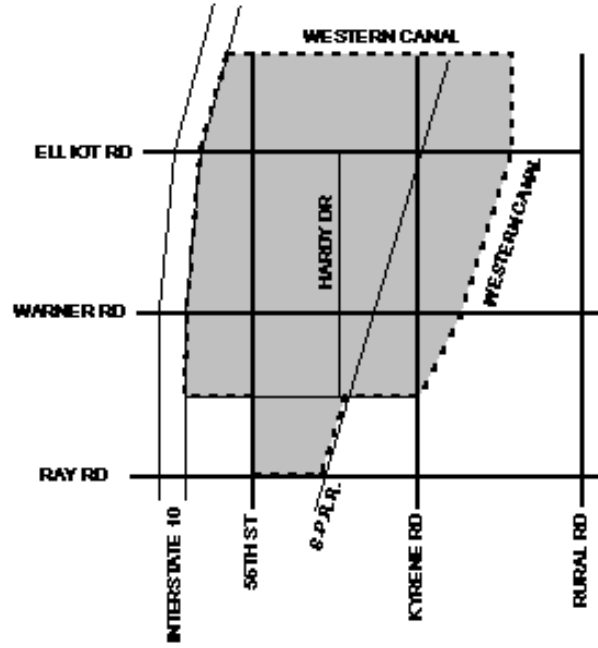
- ~~1. The required landscaping shall be a minimum of twenty (20) percent of the net site area for residential and service districts;~~

- ~~2. The required landscaping shall be a minimum of twenty (20) percent of the total ground floor area of buildings located in the property or ten (10) percent of the net site area of the property, whichever is greater, in all industrial districts;~~
- ~~3. Ungrassed areas shall have a minimum of thirty (30) percent vegetative ground cover;~~
- ~~4. All outdoor storage areas for materials, trash, mechanical equipment, vehicles or other similar items shall be screened from view by a masonry wall, a minimum six (6) feet high, but not to exceed ten (10) feet in height, constructed of or finished with materials to match the main building on the site. This wall shall screen such items so they are not visible to a person six (6) feet tall standing on any part of the adjacent property, public street, park, sidewalk, bikeway or equestrian trail at an elevation equal to the highest finish grade of the storage area. Vehicles including construction equipment are considered screened by a ten (10) foot wall if no part of the vehicle exceeds thirteen (13) feet six (6) inches in height;~~
- ~~5. A minimum twenty-five (25) foot landscape strip shall be provided between parking areas and the right of way;~~
- ~~6. The maximum grading of required retention areas shall not exceed a slope of four (4) to one in industrial areas and five (5) to one for areas used for residential and recreational purposes; and~~
- ~~7. The first ten (10) feet of on-site street frontage landscaping shall not be used for retention purposes.~~

City code reference—See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention; TCC §20-1 et seq., noise.

Section 5-311 Boundaries.

The location and boundaries of the southwest Tempe overlay district are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.



Chapter 4 – ~~I-1/I-2~~/LIDCSS Overlay District

Delete all references to CSS district, Change I-1/I-2 to LID

Section 5-400 Purpose.

Section 5-401 General Regulations.

Section 5-402 Uses Requiring a Use Permit.

Section 5-403 Yard, Height, Area and Density Requirements.

Section 5-404 Additional Information and Regulations.

Section 5-405 Boundaries.

Section 5-400 Purpose.

- A. The purpose of Industrial overlay district is to provide a smooth transition from ~~the LID I-1, I-2 and CSS~~ zoning districts which are adjacent to or separated only by an alley, tract, canal or easement from a single family residential district (excluding AG, agricultural ~~and R1-PAD~~). Projects in the I-1, I-2 and CSS zoning districts will be reviewed to assure the public that an appropriate transition is established while use of the property as permitted by the Code is still allowed.

Section 5-401 General Regulations.

- A. **Land Use.** All uses shall comply with the regulations of the underlying zoning. Where the regulations for this district differ from those of the underlying zoning the more restrictive provisions shall apply.
- B. ~~**Design Review.** The city's design review in Section 6 302 of this Code shall apply to all I-1, I-2 and CSS property within the industrial buffer overlay district.~~
- C. **Site-Development Plan.** Upon development, or upon expansion of more than twenty-five (25) percent of a building or a use existing on the effective date of this section, a site plan shall be submitted for all I-1, I-2 and CSS properties for hearing to the planning commission when they are adjacent to or separated only by an alley, canal, tract or easement to a one family residential district including R1-15, R1-10, R1-8, R1-7, R1-6, R1-5 and R1-4 (excluding AG, agricultural ~~and R1-PAD~~). Such ~~site-development~~ plan shall show all parking areas, loading and refuse areas, drives, access ways, location and dimensions of buildings and structures, all elevations of such buildings and landscaping.

This hearing shall take the form of a public hearing in accordance with the provisions of Part ~~4-6~~ of this Code. Variances and use permits may be applied for in conjunction with the ~~site~~-plans. ~~Site-Development~~ plans will be evaluated by the planning commission in accordance with the intent of ensuring that an appropriate transition between the I-1, I-2 and CSS zoning district and the adjacent residential uses ~~listed in Subsection 4~~ is provided, while allowing the use of the property as permitted by the zoning code.

Section 5-402 Uses Requiring a Use Permit.

A. Uses Requiring a Use Permit. All uses shall be subject to the regulations of the underlying district and in addition the following uses shall be subject to a use permit:

1. Any use that includes the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m.;
2. Any use that requires a type H occupancy based upon the Uniform Building Code (storage of hazardous materials);
3. Body shops and private garages (repair facilities); and
4. Any use not appearing in this Code which is similar to these uses, as determined by the zoning administrator, may be permitted upon securing a use permit.

~~Section 5-403 Yard, Height, Area and Density Requirements.~~

~~All development must conform to the requirements of the underlying land use district.~~

~~Section 5-404 Additional Information and Regulations.~~

~~**City code reference** See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention; TCC §20-1 et seq., noise.~~

Section 5-405 Boundaries.

The boundaries of the industrial buffer overlay district shall include all I-1, I-2 and CSS zoned properties where they are adjacent to or separated only by an alley, tract, easement or canal from a one family residential district (excluding AG, agricultural and R1-PAD).

Chapter 5 – Planned Area Development Overlay District

Delete Chapter 5 – Planned Area Development Overlay District

Section 5-501 Purpose.

Section 5-502 Applicability.

Section 5-503 General Regulations.

Section 5-504 Procedures.

Section 5-501 Purpose.

The Planned Area Development (PAD) overlay district is intended to foster creativity in development design with flexible development standards that may not otherwise be feasible under the base Code standards. The PAD overlay is different than the R1-PAD district, which is a base land use district that applies specifically to properties zoned for Single Family Residential use.

Section 5-502 Applicability.

The PAD overlay may be applied to any parcel or lot in any land use district, except Single Family Residential.

Section 5-503 General Regulations.

- A. Land Use.** All uses shall comply with the use regulations of the underlying land use district.
- B. Development Standards.** The development standards for projects in the Planned Area Development overlay shall be established at the time of Preliminary PAD approval, as provided in Section 6-305. Where the regulations for this district differ from those of the underlying land use district this district shall apply. Where the regulations of the Pedestrian Overlay District differ from a PAD request, the provisions of the Pedestrian Overlay District shall apply. Where the regulations of any other overlay district differ from a PAD request, the decision making body shall determine which standards apply based on the public interest.
- C. Variances.** A variance is not required to modify a development standard in a base land use district when the preliminary PAD plan approval specifically includes the modification.

Section 5-504 Procedures.

The procedures contained in Section 6-305 shall be used in processing and approving a Planned Area Development overlay.